Court No. 2

Petition No. 505 (M/S) of 2002.

Ravindra Kumar ..... Petitioner

Versus

The District Judge, Almora and another ..... Respondents.

.....

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the order dated 15.05.2002 passed by the District Judge, Almora, in Misc. Civil No. 4 of 2001, by which the application under Section 5 of the Limitation Act for condonation of delay in filing the appeal has been rejected and consequently the appeal has been dismissed as time barred.

The learned District Judge has recorded a finding that the ground shown was not proved to be genuine one, as the ground of illness of mother was not supported by any medical certificate etc. The learned counsel for the petitioner submits that the petitioner could not submit the medical certificate as his mother was in hospital at the time of filing of appeal.

This argument of the learned counsel for the petitioner is misconceived. What was required to condone the delay in support of the application was the certificate of admission of the mother of the petitioner in the hospital in which the treatment is going on, which was not filed. Therefore, the genuiness of ground of illness has rightly been doubted.

I do not find any infirmity in the order passed by the District Judge. The petition is dismissed accordingly.

(P.C. Verma, J.)

29.03.2003
P.Singh